



General Assembly

February Session, 2008

Amendment

LCO No. 4781

SB0032404781SD0

Offered by:

SEN. WILLIAMS, 29th Dist.

SEN. LOONEY, 11th Dist.

SEN. GAFFEY, 13th Dist.

SEN. HANDLEY, 4th Dist.

SEN. MCDONALD, 27th Dist.

SEN. STILLMAN, 20th Dist.

To: Senate Bill No. 324

File No. 362

Cal. No. 224

**"AN ACT CONCERNING THE COLLECTION OF CHILD ACTIVITY
FEES PURSUANT TO A SUPPORT ORDER."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsections (f) and (g) of section 46b-231 of the 2008
4 supplement to the general statutes are repealed and the following is
5 substituted in lieu thereof (*Effective from passage*):

6 (f) [The] (1) On and before June 30, 2008, the Family Support
7 Magistrate Division shall include nine family support magistrates who
8 shall be appointed by the Governor to serve in that capacity for a term
9 of three years. A family support magistrate may be reappointed upon
10 completion of his term of office by the Governor. To be eligible for
11 appointment, a family support magistrate must have engaged in the
12 practice of law for five years prior to his appointment and shall be
13 experienced in the field of family law. He shall devote full time to his

14 duties as a family support magistrate and shall not engage in the
15 private practice of law. A family support magistrate may be removed
16 from office by the Governor for cause.

17 (2) (A) On and after July 1, 2008, the Family Support Magistrate
18 Division shall include nine family support magistrates who shall be
19 nominated by the Governor and appointed by the General Assembly
20 pursuant to this subsection to serve in that capacity for a term of four
21 years.

22 (B) The term of each family support magistrate serving on the
23 effective date of this section shall end on June 30, 2008, unless the
24 family support magistrate is nominated by the Governor as a family
25 support magistrate pursuant to this subparagraph on or before June
26 30, 2008, in which case the family support magistrate shall continue to
27 serve as a family support magistrate until a successor is appointed or
28 the family support magistrate's nomination has failed to be approved
29 in accordance with subdivision (4) or (5) of this subsection. Not later
30 than June 30, 2008, the Governor shall nominate each family support
31 magistrate serving on the effective date of this section for appointment
32 as a family support magistrate for an initial four-year term beginning
33 on July 1, 2008, unless the Governor finds cause to refuse to make such
34 nomination, in which case the Governor shall nominate a different
35 person for appointment as a family support magistrate not later than
36 June 30, 2008. A family support magistrate may be nominated by the
37 Governor for reappointment upon completion of such family support
38 magistrate's term of office.

39 (C) To be eligible for nomination as a family support magistrate, a
40 person must have engaged in the practice of law for five years prior to
41 the person's nomination and be experienced in the field of family law.
42 A family support magistrate shall devote full time to the duties of a
43 family support magistrate and shall not engage in the private practice
44 of law.

45 (3) Each nomination made by the Governor to the General

46 Assembly for a family support magistrate shall be referred, without
47 debate, to the committee on the judiciary, which shall report thereon
48 within thirty legislative days from the time of reference, but no later
49 than seven legislative days before the adjourning of the General
50 Assembly.

51 (4) Each appointment by the General Assembly of a family support
52 magistrate shall be by concurrent resolution. The action on the passage
53 of each such resolution in the House of Representatives and in the
54 Senate shall be by vote taken on the electrical roll-call device. No
55 resolution shall contain the name of more than one nominee. The
56 Governor shall, within five days after the Governor has notice that any
57 family support magistrate nomination has failed to be approved by the
58 affirmative concurrent action of both houses of the General Assembly,
59 make another nomination to such office.

60 (5) Notwithstanding the provisions of section 4-19, no vacancy in
61 the position of a family support magistrate shall be filled by the
62 Governor when the General Assembly is not in session unless, prior to
63 such filling, the Governor submits the name of the proposed vacancy
64 appointee to the committee on the judiciary. Within forty-five days, the
65 committee on the judiciary may, upon the call of either chairperson,
66 hold a special meeting for the purpose of approving or disapproving
67 such proposed vacancy appointee by majority vote. The Governor
68 shall not administer the oath of office to such proposed vacancy
69 appointee until the committee has approved such proposed vacancy
70 appointee. If the committee determines that it cannot complete its
71 investigation and act on such proposed vacancy appointee within such
72 forty-five-day period, the committee may extend such period by an
73 additional fifteen days. The committee shall notify the Governor in
74 writing of any such extension. Failure of the committee to act on such
75 proposed vacancy appointee within such forty-five-day period or any
76 fifteen-day extension period shall be deemed to be an approval.

77 (6) Prior to a public hearing on a family support magistrate, the
78 committee on the judiciary may employ a person to investigate, at the

79 request of the chairpersons of the committee, any family support
80 magistrate nominee with respect to the suitability of such nominee for
81 magisterial office. Such investigator shall report the investigator's
82 findings to the committee and any such report shall be confidential
83 and shall not be subject to public disclosure. Such investigator shall
84 receive such compensation as may be fixed by the Joint Committee on
85 Legislative Management for each day such investigator is engaged in
86 his or her duties as an investigator.

87 (7) A family support magistrate may be removed from office by the
88 Governor for cause and is subject to admonishment, censure,
89 suspension and removal from office in the manner provided in chapter
90 872a.

91 (g) A Chief Family Support Magistrate shall be designated by the
92 Chief Court Administrator of the Superior Court from among the nine
93 family support magistrates [appointed] nominated by the Governor
94 pursuant to subsection (f) of this section. Under the direction of the
95 Chief Court Administrator, the Chief Family Support Magistrate shall
96 supervise the Family Support Magistrate Division and submit an
97 annual report to the Chief Court Administrator and perform such
98 other duties as provided in this section.

99 Sec. 502. Section 51-51q of the general statutes is repealed and the
100 following is substituted in lieu thereof (*Effective from passage*):

101 (a) (1) The Judicial Review Council shall submit its
102 recommendations concerning the nomination for appointment to a
103 different court of any judge or nomination for reappointment of any
104 judge whose term of office is about to expire, including a report of any
105 complaint filed against any such judge and the disposition of any such
106 complaint, and including any investigation of any such judge by the
107 council, to the Governor, to the Judicial Selection Commission and to
108 the joint standing committee of the General Assembly having
109 cognizance of matters relating to the judiciary, provided the Judicial
110 Selection Commission shall not consider any investigation of the

111 Judicial Review Council which resulted in the exoneration of a judge.

112 (2) In addition to the information required to be submitted under
113 subdivision (1) of this subsection, the Judicial Review Council shall
114 make all complaint files concerning any such judge available to the
115 joint standing committee of the General Assembly having cognizance
116 of matters relating to the judiciary. Notwithstanding any provision of
117 the general statutes, if the disposition of a complaint filed against any
118 such judge involved the issuance of an admonishment to or the public
119 censure or suspension of such judge, (A) no information pertaining to
120 the complaint and the investigation and disposition of such complaint
121 may be removed, redacted or otherwise withheld by the Judicial
122 Review Council prior to making such complaint files available to said
123 committee as required by this subdivision, and (B) the Judicial Review
124 Council shall provide to said committee any information, including,
125 but not limited to, any confidential information, in its possession
126 concerning such judge that may be requested in writing by the
127 cochairpersons of said committee. Such information shall be provided
128 to said committee not later than three business days following the date
129 the request is received by the Judicial Review Council. Any
130 confidential information provided to said committee as required by
131 this subdivision shall not be further disclosed to any person or
132 organization.

133 (3) If the Judicial Review Council has reason to believe any such
134 judge is guilty of conduct under section 51-51i, material neglect of duty
135 or incompetence in the conduct of his office, it may refuse to
136 recommend such judge for nomination for appointment to a different
137 court or for reappointment. The Judicial Review Council shall not
138 recommend a judge for nomination for appointment to a different
139 court or for reappointment if the council finds such judge has wilfully
140 violated section 51-39a or has been convicted of a felony or of a
141 misdemeanor involving moral turpitude.

142 (b) The Judicial Review Council shall submit its recommendations
143 concerning the nomination for appointment of any family support

144 magistrate for an initial term beginning on July 1, 2008, pursuant to
145 section 46b-231 of the 2008 supplement to the general statutes, as
146 amended by this act, or the nomination for reappointment of any
147 family support magistrate whose term of office is about to expire,
148 including a report of any investigation of any such family support
149 magistrate by the council, to the Governor and to the joint standing
150 committee of the General Assembly having cognizance of matters
151 relating to the judiciary. The Judicial Review Council shall provide
152 information to said committee concerning any complaint filed against
153 such family support magistrate and the investigation and disposition
154 of such complaint, including, but not limited to, confidential
155 information, in the same manner and subject to the same requirements
156 as information provided under subdivisions (1) and (2) of subsection
157 (a) of this section.

158 (c) The Judicial Review Council shall submit its recommendations
159 concerning the nomination for reappointment of any compensation
160 commissioner whose term of office is about to expire, including a
161 report of any investigation of such compensation commissioner by the
162 council, to the Governor and to the joint standing committee of the
163 General Assembly having cognizance of matters relating to the
164 judiciary. The Judicial Review Council shall provide information to
165 said committee concerning any complaint filed against such
166 compensation commissioner and the investigation and disposition of
167 such complaint, including, but not limited to, confidential information,
168 in the same manner and subject to the same requirements as
169 information provided under subdivisions (1) and (2) of subsection (a)
170 of this section.

171 (d) If a complaint against any such judge, compensation
172 commissioner or family support magistrate is received by the Judicial
173 Review Council and the Judicial Review Council is unable to make its
174 findings and complete its duties with respect to such judge,
175 compensation commissioner or family support magistrate prior to the
176 expiration of the term of office of such judge, compensation
177 commissioner or family support magistrate, the Judicial Review

178 Council shall not refuse to recommend such judge, compensation
179 commissioner or family support magistrate for reappointment based
180 on such complaint, but shall report the fact of such complaint to the
181 Governor and to the joint standing committee of the General Assembly
182 having cognizance of matters relating to the judiciary.

183 Sec. 503. (*Effective from passage*) (a) The Judicial Department shall
184 study the functions, powers and duties of family support magistrates,
185 the Chief Family Support Magistrate and the Family Support
186 Magistrate Division pursuant to section 46b-231 of the 2008
187 supplement to the general statutes, as amended by this act, other
188 sections of the general statutes and Title IV-D of the Social Security
189 Act. Pursuant to such study, the Judicial Department shall (1) evaluate
190 the extent to which such functions, powers and duties are
191 administrative, magisterial, judicial or quasi-judicial in nature, and (2)
192 identify any amendments to the general statutes required: (A) (i) As a
193 result of the nomination and appointment of family support
194 magistrates pursuant to section 46b-231 of the 2008 supplement to the
195 general statutes, as amended by this act, and (ii) pursuant to any
196 relevant federal law, and (B) to improve the effectiveness and
197 efficiency of the operations of such family support magistrates, the
198 Chief Family Support Magistrate and the Family Support Magistrate
199 Division in order to achieve the expressed purposes of such family
200 support magistrates, the Chief Family Support Magistrate and the
201 Family Support Magistrate Division.

202 (b) Not later than July 1, 2009, the Chief Court Administrator shall
203 submit a report concerning the study, in accordance with section 11-4a
204 of the general statutes, to the joint standing committee of the General
205 Assembly having cognizance of matters relating to the judiciary. At a
206 minimum, the report shall (1) identify the general functions, powers
207 and duties of family support magistrates, the Chief Family Support
208 Magistrate and the Family Support Magistrate Division, (2) indicate, to
209 the extent reasonably determinable, whether such functions are
210 administrative, magisterial, judicial or quasi-judicial in nature, and (3)
211 indicate any amendments to the general statutes recommended by the

212 Judicial Department as a result of such study, including, but not
213 limited to, amendments required: (A) (i) As a result of the nomination
214 and appointment of family support magistrates pursuant to section
215 46b-231 of the 2008 supplement to the general statutes, as amended by
216 this act, or (ii) pursuant to any relevant federal law, or (B) to improve
217 the effectiveness and efficiency of the operations of such family
218 support magistrates, the Chief Family Support Magistrate and the
219 Family Support Magistrate Division in order to achieve the expressed
220 purposes of such family support magistrates, the Chief Family Support
221 Magistrate and the Family Support Magistrate Division."